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From: Butler, David
Sent: Wednesday, September 1, 2021 10:35 AM
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Cc: PSC_Contact; Boyd, Jocelyn; Ellison, Afton; Wessinger-Hill, JoAnne
Subject: Commission Procedure for Virtual Hearings - DN 2021-130-S - Synergy Utilities, L.P. and South Carolina Water Utilities, Incorporated

Dear Parties of Record:

Since the Commission has been using virtual hearings, it has developed a standard procedure outlined below.

Virtual Media Plan due on Thursday, September 16, 2021:

You will need to input the information for your witnesses and counsel. The information must be provided to the IT Department of the Commission no later than 10:00 a.m. on Wednesday, August 11, 2021. Mr. Randy Erskine cannot send you and your witnesses the information you need unless you provide the information we need. Mr. Erskine can be reached at 803-896-5100 or 803-896-5104 and his email is Randy.Erskine@psc.sc.gov.

Practices to Remember:

Attorneys you are responsible for presenting your case and your witnesses, which includes reminding each witness to close their "video camera" on their computer screen once they are advised to step down from the witness stand by the Chairman during the hearing once their testimony and any question is complete.

Attorneys are asked to identify themselves when speaking/objecting or seeking to interject comments during the course of the virtual hearing proceeding so that the interjecting attorney is quickly called upon or seen by the Chairman, presiding officer, and Commissioners on screen. If you are called upon by the Chairman to address or comment, this is not necessary. It is necessary when you want to be called upon by the Chairman to comment, object, or otherwise which you would normally otherwise do in physical person by standing up or speaking up in the hearing room to get the attention of the Chairman or presiding officer.

Please do your best not to talk over each other so that the court reporter can hear everyone one and accurately record the testimony.

Witness Order for parties with multiple witnesses due on Wednesday, September 15, 2021:

Please let us know, no later than Wednesday, September 15, 2021, the order in which you will call your witnesses if our have multiple witnesses. Each witness will be presented individually and not in a panel. This does not prohibit you from allowing your witnesses to be in the same location as you. However, each witness will need their own laptop with camera and sound system, and due to audio feedback you will likely not want the witness to be in the same room but another nearby room.

General Hearing Procedure:

The Virtual Hearing will be conducted just as if the parties were physically present in person in the Commission's hearing room. This is the general procedure which is also outlined below (but subject to change and adjustment as needed by

the Chairman or Commission during the course of the hearing to provide due process and develop the underlying record):

(1) Gather prior to the start of the hearing ready with all witnesses to present case when the hearing is called to order by the Chairman. The time may vary each day of the hearing and you are asked to plan to appear at least 40 minutes to one hour prior to the start time of the hearing. This means that all parties and their witnesses must virtually appear on their respective computers/telephones at 9:00 a.m. Mr. Erskine will have already sent an email or otherwise communicated with you on the method of media that will be used. If he has not or you have not received any email please contact him.

(2) Advise the PSC Attorney David Butler of any preliminary matters that may have arisen.

(3) General order of hearings:

- a. Call to Order
- b. Reading of the Docket
- c. Roll call of the Commissioners
- d. Appearances of Counsel
- e. Preliminary matters
- f. Applicant calls first witness and each witness will be sworn in by the court reporter.
 - (i) One witness at a time (computer video camera must be on). All other witnesses must be ready and on standby to be called;
 - (ii) Upon conclusion of questions, corrections, and introduction of exhibits by company, then cross examination by other party and/or commissioners.
 - (iii) Redirect (if any)
 - (iv) Re-cross (if any re-direct)
 - (v) Witness "steps down from witness stand" or is released and Witness shall cut off computer video camera.
 - (vi) Next witness called.
- g. Other parties are called one at a time to present their case or witness(es).
- h. Closing Remarks (if any), any evidentiary matters, motions, confirmation of exhibits and numbering, date proposed orders are due.

(4) Exhibit Procedure:

On behalf of the court reporter and for the clarity of the record, it is requested that when you present, discuss, question, or share an exhibit during this proceeding, you must state and identify the number of the exhibit. During the course of these proceedings, representatives of the parties have not been consistent in advising or referencing the number of the Exhibit that which is the subject of the witness questioning.

Cross-examination Exhibits:

- (i) Each cross exhibit must be provided to the Commission in hard copy and as a pdf;
- (ii) Each cross examination exhibit must be sent electronically to Elise Wilson (elise.wilson@psc.sc.gov);
- (iii) The cross examination exhibits shall be clearly identifiable, pre-marked, numbered individually, and provided in its own electronic pdf file
- (iv) PDF file name must state the cross examination exhibit number so that it clear what the number of the exhibit is known without opening the pdf.
- (v) Ten hard copies of each cross examination exhibit must be delivered to Elise Wilson in sealed envelopes prior to the start of the hearing

Each attorney must be certain the other attorneys have the cross examination exhibit. Commission staff or counsel will make every attempt to provide a courtesy copy to all parties as a back-up, to place on the DMS, and to hopefully prevent issues and delays between the parties. This courtesy does not relieve the attorney of his or her responsibility to provide the cross examination exhibit to other counsel.

If you are cross examining a witness, you must state the Exhibit Number as you have pre-numbered the exhibit so that the exhibit can be distributed. The copies provided to Ms. Wilson for the Commission (both electronic and hard copy) are not distributed until you present upon cross examination in accordance with standard trial practice and procedure just as if you were here in the hearing room.

If you are cross examining a witness, you are to provide the exhibit to all parties and to the witness as you have the address from the Virtual Media Plan. If your witness is under cross examination, you should also make sure that your witness has the cross examination exhibit. There is no change in the basics of handling exhibits and sharing documents with parties and witnesses in a virtual hearing.

The following are suggested ways to refer to an exhibit.

- (1) the pre-filed direct exhibit of ORS Witness Smith, TS-1, after entry into the record would be Hearing Exhibit No. 27. You could also refer to the exhibit as Hearing Exhibit No. 27, which is TS-1.
- (2) the pre-filed direct exhibits of Company Witness Jones, known as Jones Exhibits 1, 2, and 3, entered into the record as composite Hearing Exhibit No. 11. You should refer to exhibit as "Jones Exhibit No. 1 of Hearing Exhibit No. 11.
- (3) any cross examination exhibit presented to a witness upon cross examination would be referenced as you pre-marked and pre-numbered the exhibit. Once entered, the exhibit is known as Hearing Exhibit No. __.

If you have any questions, please let us know. Please also remember to "REPLY ALL" so that every party to this Docket has the same information and to prevent any *ex parte* communication. Any e-mail message involving the Commission or Commission staff will be published on the DMS. Thank you.

David Butler, Special Counsel